

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 307.12 and 307A.2, the Iowa Department of Transportation hereby gives Notice of Intended Action to amend Chapter 605, "License Issuance," and Chapter 630, "Nonoperator's Identification," Iowa Administrative Code.

The proposed amendments make changes to comply with 2016 Iowa Acts, Senate File 2187, section 1, which amended Iowa Code section 321.189. The proposed amendments:

- Streamline the process of obtaining a veteran designation on a driver's license or nonoperator's identification card and allow a licensee or cardholder to submit DD form 214 or Department Form 432035. For members of the national guard and reserve forces, the DD form 214 must indicate that the individual was honorably discharged after serving a minimum aggregate (total) of 90 days of active duty for purposes other than training. If the individual was a member of the national guard or reserve forces and has a discharge document other than a DD form 214, the individual must receive certification of veteran status from the Iowa Department of Veterans Affairs prior to applying to the Department for a license or nonoperator's identification card with a veteran designation.
- Provide that the Department may consult with and defer to the Iowa Department of Veterans Affairs regarding what constitutes a properly completed DD form 214 and veteran status in general.
- Provide for cancellation of the license or card based on error or fraud. The amendments also provide that a duplicate license or card may be issued without a veteran designation at no cost if the license or card was issued in error as long as the license or card was not issued as a result of fraud.
- Update the affected implementation sentences.

These rules do not provide for waivers. Any person who believes that the person's circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

Any person or agency may submit written comments concerning these proposed amendments or may submit a written request to make an oral presentation. The comments or request shall:

1. Include the name, address, and telephone number of the person or agency authoring the comments or request.
2. Reference the number and title of the proposed rule, as given in this Notice, that is the subject of the comments or request.
3. Indicate the general content of a requested oral presentation.
4. Be addressed to Tracy George, Rules Administrator, Iowa Department of Transportation, Operations and Finance Division, 800 Lincoln Way, Ames, Iowa 50010; e-mail: tracy.george@dot.iowa.gov.
5. Be received by the rules administrator no later than November 29, 2016.

A meeting to hear requested oral presentations is scheduled for Thursday, December 1, 2016, at 10 a.m. at the Iowa Department of Transportation's Motor Vehicle Division offices located at 6310 SE Convenience Boulevard, Ankeny, Iowa.

The meeting will be canceled without further notice if no oral presentation is requested.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code section 321.189 as amended by 2016 Iowa Acts, Senate File 2187.

The following amendments are proposed.

ITEM 1. Amend subrule 605.2(7) as follows:

605.2(7) *Voluntary markings.* Upon the request of the licensee, the department shall indicate on the driver's license any of the following:

- a. ~~the~~ The presence of a medical condition;
- b. ~~that~~ That the licensee is a donor under the uniform anatomical gift law;
- c. ~~that~~ That the licensee has in effect a medical advance directive;
- d. ~~that~~ That the licensee is hearing impaired or deaf; ~~or,~~
- e. ~~that~~ That the licensee is a veteran.

(1) To be eligible for a veteran designation, the licensee must be an honorably discharged veteran of the armed forces of the United States, the national guard or reserve forces. A licensee who requests a veteran designation shall submit Form 432035, properly completed by the licensee and a designee of the Iowa department of veterans affairs, or the licensee shall present certification of release or discharge from active duty, DD form 214, to the department indicating that the licensee was honorably discharged from active duty. A licensee who was a member of the national guard or reserve forces and who applies directly to the department must present a DD form 214 which indicates that the licensee was honorably discharged after serving for at least a minimum aggregate (total) of 90 days of active duty service for purposes other than training. A licensee who was a member of the national guard or reserve forces and who has a discharge document other than a DD form 214 must have the licensee's eligibility for a veteran designation determined by a designee of the Iowa department of veterans affairs and shall apply to the department for a veteran designation by submitting Form 432035, properly completed by the licensee and a designee of the Iowa department of veterans affairs.

(2) The department may consult with and defer to the Iowa department of veterans affairs regarding what constitutes a properly completed DD form 214 and veteran status in general.

(3) If the department denies issuance of a license with a veteran designation upon presentation of the DD form 214 to the department, the licensee may obtain a license with a veteran designation if the licensee submits Form 432035, properly completed by the licensee and a designee of the Iowa department of veterans affairs.

(4) If the department issues a veteran designation in error or as the result of fraud on the part of the licensee, the driver's license with a veteran designation shall be canceled, and a duplicate license without the designation may be issued to the licensee. There shall be no charge to issue a duplicate license if the license was issued in error, unless the error was the result of fraud on the part of the licensee.

ITEM 2. Amend rule **761—605.2(321)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections section 142C.3 and, section 321.189 as amended by 2016 Iowa Acts, Senate File 2187, section 1, the REAL ID Act of 2005 (49 U.S.C. Section 30301 note), and 6 CFR Part 37.

ITEM 3. Amend paragraph **605.11(2)“j”** as follows:

j. Replacement to add a veteran designation to the license. To be eligible for a veteran designation, the licensee must be an honorably discharged veteran of the armed forces of the United States. A licensee who requests a veteran designation shall submit Form 432035, properly completed by the licensee and a designee of the Iowa department of veterans affairs. comply with the requirements of paragraph 605.2(7)“e.”

ITEM 4. Amend rule **761—605.11(321)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 321.189 as amended by 2016 Iowa Acts, Senate File 2187, section 1, 321.195 and 321.208, the REAL ID Act of 2005 (49 U.S.C. Section 30301 note), and 6 CFR Part 37.

ITEM 5. Amend subrule 630.2(4) as follows:

630.2(4) Upon the request of the cardholder, the department shall indicate on the nonoperator's identification card any of the following:

- a. ~~the~~ The presence of a medical condition;
- b. ~~that~~ That the cardholder is a donor under the uniform anatomical gift law;

- c. ~~that~~ That the cardholder has in effect a medical advance directive;
- d. ~~that~~ That the cardholder is hearing impaired or deaf; ~~or,~~
- e. ~~that~~ That the cardholder is a veteran.

(1) To be eligible for a veteran designation, the cardholder must be an honorably discharged veteran of the armed forces of the United States, the national guard or reserve forces. A cardholder who requests a veteran designation shall submit Form 432035, properly completed by the ~~licensee~~ cardholder and a designee of the Iowa department of veterans affairs, or the cardholder shall present certification of release or discharge from active duty, DD form 214, to the department indicating that the cardholder was honorably discharged from active duty. A cardholder who was a member of the national guard or reserve forces and who applies directly to the department must present a DD form 214 which indicates that the cardholder was honorably discharged after serving for at least a minimum aggregate (total) of 90 days of active duty service for purposes other than training. A cardholder who was a member of the national guard or reserve forces and who has a discharge document other than a DD form 214 must have the cardholder's eligibility for a veteran designation determined by a designee of the Iowa department of veterans affairs and shall apply to the department for a veteran designation by submitting Form 432035, properly completed by the cardholder and a designee of the Iowa department of veterans affairs.

(2) The department may consult with and defer to the Iowa department of veterans affairs regarding what constitutes a properly completed DD form 214 and veteran status in general.

(3) If the department denies issuance of a nonoperator's identification card with a veteran designation upon presentation of the DD form 214 to the department, the cardholder may obtain a card with a veteran designation if the cardholder submits Form 432035, properly completed by the cardholder and a designee of the Iowa department of veterans affairs.

(4) If the department issues a veteran designation in error or as the result of fraud on the part of the cardholder, the nonoperator's identification card with a veteran designation shall be canceled, and a duplicate card without the designation may be issued to the cardholder. There shall be no charge to issue a duplicate card if the card was issued in error, unless the error was the result of fraud on the part of the cardholder.

ITEM 6. Amend **761—Chapter 630**, implementation sentence, as follows:

These rules are intended to implement Iowa Code sections 321.189 as amended by 2016 Iowa Acts, Senate File 2187, section 1, 321.190, 321.195, 321.216, 321.216A, 321.216B and 321.216C, the REAL ID Act of 2005 (49 U.S.C. Section 30301 note), and 6 CFR Part 37.